IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 241 OF 2005

IN

SUM. SUIT NO. 2703 OF 2004

Rajesh S. Verma ... Plaintiff

vs.

Bajarangdas Lakhani & Ors. ... Defendants.

Mr. V.P. Vaze for plaintiff.

Ms. Manisha Shivgan i/by M.G. Mimani

for defendants.

CORAM : S.U. KAMDAR, J.

DATED : 25TH OCTOBER, 2005.

P.C.

. The present suit is filed for recovery of a sum of Rs. 4,20,483.00 on a bill of exchange being Exhibits A and B to the plaint. It is not in dispute that in respect of the said two bills of exchange at Exhibits A and B the cheques were issued and the cheques were dishonoured. Therefore a complaint was filed under section 138. The said complaint is compromised and the amount is paid. The amount is paid by the defendant to the plaintiff

which is the principal amount which the plaintiff has accepted in full and final settlement. The learned counsel for the plaintiff has produced receipts dated 30/6/2004 and 1.10.2004 in support of the aforesaid contention. In that view of the matter and in my opinion now the claim raised by the plaintiff of interest in the present suit cannot be maintained. The summons for judgment is dismissed. Unconditional leave to the defendant is granted to defend the suit.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.